

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Consolidated RNC Cases

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ORDER

RICHARD J. SULLIVAN, District Judge:

By order dated March 3, 2008, the Court advised defendants in the above-entitled consolidated cases that “requests to file oversized briefs should be filed well in advance of relevant due dates.<sup>1</sup> Failure to do so in the future will result in rejection of the brief in its entirety.” Thereafter, by order dated April 3, 2008, the Court granted in part defendants’ request to file an oversized reply brief regarding their objections to the January 23, 2008 order of the Honorable James C. Francis, Magistrate Judge. The Court ruled that “defendants’ reply brief shall not exceed 15 pages.”

The deadline for defendants’ reply brief was April 8, 2008. On that day, defendants filed a *seventeen-page* (excluding the signature page) reply brief. Defendants also submitted a letter to the Court wherein they “apologize[d]” for filing an oversized brief, and renewed their request to file such a brief. (Defs.’ April 8, 2008 Ltr.) Alternatively, defendants “request[ed] permission to make further edits to the brief to eliminate the excess two pages.” (*Id.*)

IT IS HEREBY ORDERED that defendants’ reply brief is rejected due to defendants’ failure to comply with this Court’s directives regarding both the length of the reply brief and defendants’ obligation to seek permission to file oversized briefs well in advance of the due date. By April 11, 2008, defendants shall file a reply brief that complies with the page limit of fifteen pages previously

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<sup>1</sup>This Order should be docketed in the following actions: 04 Civ. 7922, 04 Civ. 7921; 04 Civ. 9216; 05 Civ. 5080; 05 Civ. 9985; 05 Civ. 9930; 05 Civ. 7623; 05 Civ. 7624; 05 Civ. 7668; 05 Civ. 7669; 05 Civ. 7670; 05 Civ. 7672; 05 Civ. 7673; 05 Civ. 7541; 05 Civ. 8453; 05 Civ. 9484; 05 Civ. 9738; 05 Civ. 9483; 04 Civ. 10178; 05 Civ. 3705; 05 Civ. 5152; 05 Civ. 5528; 05 Civ. 6780; 05 Civ. 1562; 05 Civ. 1563; 05 Civ. 1564; 05 Civ. 1565; 05 Civ. 1566; 05 Civ. 1567; 05 Civ. 1568; 05 Civ. 1570; 05 Civ. 1571; 05 Civ. 1572; 05 Civ. 7577; and 05 Civ. 7580.

imposed by this Court. Defendants are not permitted to add any substantive material — including new arguments, or case or record citations — to the revised reply brief; this prohibition will be strictly enforced.

Finally, the Court advises defendants that, pursuant to Rule 16(f) of the Federal Rules of Civil Procedure, violations of pre-trial orders may be redressed with “any just orders” that the Court deems appropriate, including, but not limited to, the imposition of fees and costs. Fed. R. Civ. P. 16(f)(1). Here, defendants have clearly failed to heed the Court’s order regarding their obligation to seek an enlargement of page limits in advance of the due date. Repeated failures by defendants to abide by this instruction, or any other pre-trial order, will require this Court to consider the imposition of sanctions under Rule 16(f).

SO ORDERED.

Dated: New York, New York  
April 8, 2008



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE